

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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SYLVESTER THOMAS,

Petitioner,

v.

Case No. 09-CV-640

BYRAN BARTOW,

Respondent.

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**ORDER**

On June 30, 2009, petitioner Sylvester Thomas ("Thomas") filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Docket #1) On July 14, 2009, the court denied Thomas's petition. (Docket #2). On August 10, 2009, Thomas filed a notice of appeal (Docket #6), but did not request a certificate of appealability. The court construed the notice of appeal as an implied request for a certificate of appealability, analyzed it as such, and denied said implied request on September 29, 2009 (Docket #10). On October 9, 2009, Thomas filed a motion to proceed in forma pauperis (Docket #14) which the court denied on October 16, 2009 (Docket #15) upon a finding that Thomas's appeal was not taken in good faith.

Presently before the court are two motions in which Thomas claims that his rights under the 5th, 8th, and 14th amendments of the Constitution are being violated. (Docket #'s 18, 19). Given the procedural status of this case, there is no basis for Thomas to be filing such motions before this court. Further, the defendants named in the motions are not even the named defendant in this action. Essentially

Thomas is attempting to add new defendants to a case that is already closed. The court is, therefore, obliged to summarily dismiss Thomas's motions, and instruct him that no additional motions should be filed with the district court in this case.

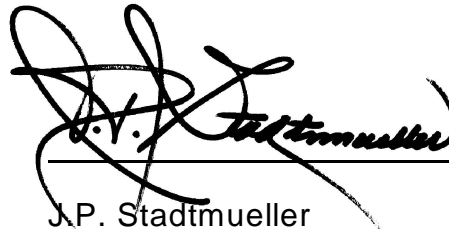
Accordingly,

**IT IS ORDERED** that petitioner's Motion in Violation of 5th, 8th and 14th Amendment (Docket #18) be and the same is hereby **DENIED**; and

**IT IS FURTHER ORDERED** that petitioner's Second Motion in Violation of 5th, 8th and 14th Amendment (Docket #19) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 6th day of January, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge